

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the)	NOTICE OF PROPOSED
amendment of ARM 17.50.410)	AMENDMENT
pertaining to annual)	
operating license required)	(SOLID WASTE)
)	
)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On May 22, 2004, the Board of Environmental Review proposes to amend the above-stated rule.

2. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5:00 p.m., April 26, 2004, to advise us of the nature of the accommodation you need. Please contact the Board Secretary at P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2544; fax (406) 444-4386; or email ber@state.mt.us.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

17.50.410 ANNUAL OPERATING LICENSE REQUIRED (1) through (7) and Tables 1 and 2 remain the same.

TABLE 3. APPLICATION REVIEW FEE SCHEDULE

<u>FACILITY</u>	<u>REVIEW FEE</u>
Major Class II facility	\$12,000
Intermediate Class II facility	\$ 9,000
Minor Class II facility	\$ 6,000
Major Class III facility	\$ 3,600
Minor Class III facility	\$ 2,400
Major Class IV facility	\$ 3,600
Minor Class IV facility	\$ 2,400
Major incinerator	\$12,000
Intermediate incinerator	\$ 9,000
Minor incinerator	\$ 600
Major landfarm facility	\$ 3,600
Intermediate landfarm facility	\$ 2,400
Minor landfarm facility	\$ 1,200

One-time landfarm (≥800 cubic yds)	\$	200 500
One-time landfarm (<800 cubic yds)	\$	500 200
Transfer station (≥10,000 tons/yr)		\$ 8,400
Transfer station (<10,000 tons/yr)		\$ 4,800
Large composter operation		\$ 3,600
Small composter operation		\$ 0

AUTH: 75-10-115, 75-10-204, 75-10-221, MCA

IMP: 75-10-115, 75-10-204, 75-10-221, MCA

REASON: The rule is being amended to correct the fees set forth for one-time landfarm (≥800 cubic yds) and one-time landfarm (<800 cubic yds). The application review fee for larger landfarms should be more than for smaller landfarms because the review process for larger landfarms is more complex. The amounts were inadvertently reversed in the original notice published on August 14, 2003 under MAR Notice No. 17-197 in issue number 15 of the 2003 Montana Administrative Register. New fees are being imposed on one-time landfarms. Small (less than 800 cubic yards) one-time landfarms would be assessed an application fee of \$200 and large one-time landfarms would be assessed an application fee of \$500. It is estimated that there will be five new small one-time landfarms and two new large one-time landfarms annually based on past history. This would generate \$1,000 in fees from small landfarms and \$1,000 from large landfarms.

4. Concerned persons may submit their data, views or arguments concerning the proposed amendment in writing to the Board of Environmental Review, P.O. Box 200901, Helena, Montana, 59620-0901, no later than May 20, 2004. To be guaranteed consideration, mailed comments must be postmarked on or before that date. Written data, views or arguments may also be submitted by fax at (406) 444-4386 or electronically via email addressed to the Board Secretary at ber@state.mt.us, no later than 5:00 p.m. May 20, 2004.

5. If persons who are directly affected by the proposed amendment wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to the Board of Environmental Review, P.O. Box 200901, Helena, MT 59620-0901, fax (406) 444-4386 or email ber@state.mt.us. A written request for hearing must be received no later than May 20, 2004.

6. If the Board receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed

amendment; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those one-time landfarm facilities directly affected has been determined to be three based on the 30 licensed one-time landfarm facilities.

7. The Board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to the Board of Environmental Review, 1520 E. Sixth Ave., PO Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, emailed to the Board Secretary at ber@state.mt.us, or may be made by completing a request form at any rules hearing held by the Board.

8. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

David Rusoff

DAVID RUSOFF
Rule Reviewer

By: Joseph W. Russell

JOSEPH W. RUSSELL, M.P.H.,
Chairman

Certified to the Secretary of State, March 29, 2003.